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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,526	09/17/2003	Robert J. Apel	DOM1091-203	4289
8698	7590	11/09/2005	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			GARRETT, ERIKA P	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,526

Applicant(s)

APEL, ROBERT J.

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 10/27/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 16,22 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant attention is drawn to the terms "activity, exercise and Florida rooms". It is unclear to what the rooms really are?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (4,575,977). Taylor discloses the use of residential housing arrangement comprising a first and second property lot (18a and 18b), the property lots sharing a common property line; a first and second independent living unit, the independent living units positioned on the respective first and second property lots, the first and second independent living unit structurally attached to each other by a

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commonly property line passing through see figure 1. In regards to claim 14, wherein the independent living units are of different sizes. In regards to claims 15, wherein the common space further comprises a center wall (68), see figure 1-3. In regards to claim 17, wherein each independent living unit has an attached garage (46). In regards to claim 18, wherein each independent living unit has an outside entry. In regards to claim 19, wherein the respective outside entries face in the same direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 20 and 23-24 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Renauld (3,640,037). Taylor shows the use of all the claimed invention but fails to show the use of a Florida room with screens or windows, a hallway, laundry room, and dining room. Renauld teaches the use of a Florida room with screens or windows, a hallway (74), laundry room (56), dining room (50). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the living unit with a Florida room with screens or windows, hallway, dining room and laundry room as taught by Renauld, in order to see outside, wash clothes, allow some fresh air into the room and to let other occupants to walk through out the house.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Frankfurt (5,941,034). Taylor shows the use of all the claimed invention but fails to show the use of a breezeway. Frankfurt teaches the use of a breezeway. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the living units with a breezeway as taught by Frankfurt, in order to allow occupants to walk through the living units.

Claims 22 and 25 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Hurwitz (4,041,661). Taylor shows the use of all the claimed invention but fails to show the use of an activity room and exercise room. Hurwitz teaches the use of an activity room and exercise room. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the living units with an activity room and exercise room as taught by Hurwitz, in order to allow occupants to play games, watch movies, have parties.

Response to Arguments

Applicant's arguments with respect to claims 13-25 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that Taylor fails to show "*a first and second independent living units structurally attached*". The applicant attention is drawn to the above rejection. The examiner is of the opinion that Taylor does show the first and second independent living units structurally attached as shown on (68, figure 1).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG

November 4, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600